

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**THE BURLINGTON INSURANCE  
COMPANY,**

**Plaintiff,**

**VS.**

**SUIDAE TECHNOLOGY, INC.,  
UNITED NATIONAL INSURANCE  
COMPANY; SOUTH ALABAMA PIGS,  
L.L.C.,  
Defendants.**

**CIVIL ACTION NUMBER:  
CV 05-1092-ID-CSC**

## NOTICE OF DISMISSAL

Comes now the plaintiff, Burlington Insurance Company (hereinafter "Burlington"), by and through its undersigned counsel, and files this Notice of Dismissal pursuant to Federal Rule of Civil Procedure 41(a). Burlington further states as follows:

1. On November 14, 2005, Burlington filed a Petition for Declaratory Judgment against the defendants requesting that the court determine the rights, duties, status, and legal relations of the parties pursuant to insurance policies issued by Burlington and United National Insurance Company (hereinafter "United National") to Suidae Technology, Inc., with respect to coverage for the matter styled South Alabama Pigs, LLC v. Farm Feeders, Inc., et. al., pending in the United States District Court for the Middle District of Alabama, Civil Action Numbers CV-02-T-1413-N and CV- 02-T-1415-N (hereinafter “the underlying lawsuit”).

2. The underlying lawsuit has now been resolved through arbitration.

3. The Petition for Declaratory Judgment has not yet been served on any defendant.

4. Therefore, Burlington files this Notice of Dismissal requesting a voluntary dismissal of this action.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Burlington respectfully requests this Honorable Court to enter an Order reflecting the voluntary dismissal of this Petition for Declaratory Judgment by the plaintiff, said dismissal to be without prejudice.

Respectfully submitted,

/s/ Carol Ann Smith  
Carol Ann Smith, 3485-T81C  
Attorney for Plaintiff,  
The Burlington Insurance Company

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